

FILED
for Roanoke
NOV - 9 2007

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAVID MCNEER SALYERS,
Petitioner,

Civil Action No. 7:07-cv-00403

v.

ORDER

GENE M. JOHNSON, DIRECTOR
OF THE VIRGINIA DEPARTMENT
OF CORRECTIONS,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that respondent's motion to dismiss shall be and hereby is **GRANTED**; Salyers' petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 shall be and hereby is **DISMISSED**; all pending motions are hereby **DENIED** as moot; this case shall be **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send copies of this Order and accompanying Memorandum Opinion to petitioner and counsel of record for respondent.

ENTER: This 9th day of November, 2007.

[Signature]
Senior United States District Judge